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WHEREAS, Plaintiff's lead counsel, Peter M. Hart, has a pre-existing conflict with the January 21, 2011 Case Management Conference date set by the Court and will not be able to attend the Conference as currently scheduled;

WHEREAS, Plaintiff's counsel was advised by the Court's Clerk that February 4, 2011 is an available date for the Case Management Conference in this matter;

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendant, through their respective undersigned counsel, that the Case Management Conference, currently scheduled for January 21, 2011, shall be continued for 14 days to February 4, 2011.

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendant, through their respective undersigned counsel, that the Parties will file a Joint Case Management Conference Statement no later than seven days prior to the new date set for the Case Management Conference.

## IT IS SO STIPULATED.

DATED: January 3, 2011

SEYFARTH SHAW LLP

By: \_\_\_\_\_ /s/  
Francis J. Ortman III  
Ari Hersher

Attorneys for Defendant  
KIEWIT PACIFIC CO.

DATED: January 3, 2011

## LAW OFFICES OF PETER M. HART

By: \_\_\_\_\_ /s/  
Peter M. Hart

Attorneys for Plaintiff  
ASHLEY WILSON

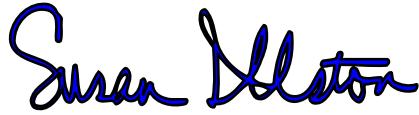
1 **[PROPOSED] ORDER CONTINUING THE CASE MANAGEMENT CONFERENCE**

2 The parties having so stipulated, and GOOD CAUSE APPEARING  
3 THEREFORE, IT IS HEREBY ORDERED that:

4 The Case Management Conference is continued for 14 days to February 4, 2011,  
5 or as soon thereafter as a court date is available.

6  
7 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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9  
10 Date: \_\_\_\_\_



11 The Honorable Susan Illston  
12 Judge of the United States District Court

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